

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157
97TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, March 5, 2013, with recommendation that the Senate Committee Substitute do pass.

0549S.09C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 407.300 and 407.303, RSMo, and to enact in lieu thereof two new sections relating to scrap metal, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 407.300 and 407.303, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 407.300 and 407.303, to
3 read as follows:

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap
2 metal, or any secondhand property shall keep a register containing a written or
3 electronic record for each purchase or trade in which each type of metal subject
4 to the provisions of this section is obtained for value. There shall be a separate
5 record for each transaction involving any:

6 (1) Copper, brass, or bronze;

7 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

8 [or]

9 (3) Material containing copper or aluminum that is knowingly used for
10 farming purposes as farming is defined in section 350.010; whatever may be the
11 condition or length of such metal; **or**

12 (4) **Catalytic converter.**

13 **2.** The record **required by this section** shall contain the following data:

14 (1) A copy of the driver's license or photo identification issued by the state
15 or by the United States government or agency thereof to the person from whom
16 the material is obtained[, which shall contain a];

17 (2) **The current address, gender, birth date, and a photograph** of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 person from whom the material is obtained[, and] **if not included or is**
19 **different from the identification required in subdivision (1) of this**
20 **subsection;**

21 (3) The date, time, and place of [and] **the transaction;**

22 (4) **The license plate number of the vehicle used by the seller**
23 **during the transaction;**

24 (5) A full description of [each such purchase or trade] **the metal,**
25 including the [quantity by] weight [thereof] **and purchase price.**

26 [2.] 3. The records required under this section shall be maintained for a
27 minimum of twenty-four months from when such material is obtained and shall
28 be available for inspection by any law enforcement officer. **Beginning January**
29 **1, 2014, the records required by this section shall be maintained in an**
30 **electronic format which may be transmitted to law enforcement**
31 **agencies electronically within forty-eight hours and can be immediately**
32 **accessed on site by law enforcement authorities.**

33 [3.] 4. Anyone convicted of violating this section shall be guilty of a class
34 **[A] B** misdemeanor.

35 [4.] 5. This section shall not apply to any of the following transactions:

36 (1) Any transaction for which the total amount paid for all regulated scrap
37 metal purchased or sold does not exceed fifty dollars, **unless the scrap metal**
38 **is a catalytic converter;**

39 (2) Any transaction for which the seller, including a farm or farmer, has
40 an existing business relationship with the scrap metal dealer and is known to the
41 scrap metal dealer making the purchase to be an established business or political
42 subdivision that operates a business with a fixed location that can be reasonably
43 expected to generate regulated scrap metal and can be reasonably identified as
44 such a business; or

45 (3) Any transaction for which the type of metal subject to subsection 1 of
46 this section is a minor part of a larger item, except for equipment used in the
47 generation and transmission of electrical power or telecommunications.

407.303. 1. Any scrap metal dealer paying out an amount that is five
2 hundred dollars or more shall make such payment [in the form of a check or shall
3 pay by any method in which a financial institution makes and retains a record
4 of the transaction] **by issuing a prenumbered check drawn on a regular**
5 **bank account in the name of the licensed scrap metal dealer and with**
6 **such check made payable to the person documented as the seller in**

7 **accordance with this section or by using a system for automated cash**
8 **or electronic payment distribution which photographs or videotapes**
9 **the payment recipient and identifies the payment with a distinct**
10 **transaction in the register maintained in accordance with this chapter.**

11 **2. Any scrap metal dealer that purchases scrap metal from a**
12 **seller and pays in the form of cash is required to photograph the seller**
13 **and the metal if the metal is copper or a catalytic converter. This**
14 section shall not apply to any transaction for which the seller has an existing
15 business relationship with the scrap metal dealer and is known to the scrap metal
16 dealer making the purchase to be an established business or political subdivision
17 that operates a business with a fixed location that can be reasonably expected to
18 generate regulated scrap metal and can be reasonably identified as such a
19 business.

20 **3. Any person who knowingly and willfully violates the**
21 **provisions of sections 407.300 to 407.303 shall be guilty of a class B**
22 **misdemeanor and a fine of up to five hundred dollars for the first**
23 **offense, a class A misdemeanor and a fine of up to one thousand dollars**
24 **for the second offense, and the revocation of any and all business**
25 **licenses that are held with the state for the third offense.**

26 **4. Any person in violation of sections 407.300 to 407.303 by selling**
27 **stolen scrap metal shall be responsible for consequential damages**
28 **related to obtaining the scrap metal.**

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